

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

CHAPTER 11

ISLAND VIEW CROSSING II, L.P.

BANKRUPTCY NO. 17-14454(ELF)

Debtor

**LIMITED OBJECTION OF BKRE INVESTMENTS, LLC, POST-PETITION LENDER,
TO THE FIRST AND FINAL FEE APPLICATION OF STRADLEY RONON STEVENS
& YOUNG, LLP AS SPECIAL LITIGATION COUNSEL TO ISLAND VIEW
CROSSING II, L.P. FOR THE PERIOD FROM
JULY 18, 2017 THROUGH FEBRUARY 28, 2018**

BKRE Investments, LLC (the "Post Petition Lender") for the estate of Island View Crossing II, L.P. (the "Debtor"), by and through its undersigned counsel, hereby submits this limited objection (the "Objection") to the First and Final Fee Application of Stradley Ronan Stevens & Young, LLP ("Stradley") as Special Litigation Counsel to Island View Crossing II, L.P. for the Period from July 18, 2017 through February 28, 2018 (the "Fee Application"), and in support thereof, respectfully avers as follows:

I. Employment of Stradley and Fee Application.

1. On September 6, 2017, the Debtor filed an Application to Employ Stradley as Debtor's Special Litigation Counsel Nunc Pro Tunc to June 30, 2017 (the "Employment Application") [Docket No. 66].

2. On September 27, 2017, this Honorable Court entered an Order approving the Employment Application nunc pro tunc to July 18, 2017 [Docket No. 78].

3. On July 12, 2021, Stradley filed the Fee Application [Docket No. 755].

4. In the Fee Application, Stradley is seeking a final award of fees in the amount of \$366,220.50 and a final award of costs in the amount of \$980.14 for the period from July 18, 2017 through February 28, 2018.

5. The period covered by the Fee Application relates to services rendered substantially prior to the Trustee's appointment on January 30, 2018.

LIMITED OBJECTION

6. On August 17, 2018, the Kevin O'Halloran, Trustee, filed the Motion for Entry of Final Order Authorizing (I) Trustee to Obtain Secured Post-Petition Financing Pursuant to §§ 105, 361, 364(c)(1) and 364(d)(1) of the Bankruptcy Code, Federal Rule of Bankruptcy Procedure 4001, (II) Trustee to Enter into the Promissory Note; (III) Granting an Allowed Super Priority Administrative Expense Claim With Priority Over Any and All Administrative Expenses of the Kind Specified in Bankruptcy Code Section 503(B) or 507(B); (IV) Granting a Lien on All Assets of the Estate (Except for the Excluded Assets) Senior to All Other Liens (Except for the Permitted Liens) Pursuant to Section 364(D)(1) of Bankruptcy Code; (V) Approving the Release of Liens Agreement Between the Trustee and Prudential Bank Pursuant to Federal Rule of Bankruptcy Procedure 9019; and (VI) Granting Related Relief (the "First Financing/Approval Motion") [D.I. 342].

7. On September 12, 2018, this Honorable Court granted the First Financing/Approval Motion [D.I. 352].

8. On December 20, 2019, the Kevin O'Halloran, Trustee, filed the Motion of Kevin O'Halloran, Chapter 11 Trustee, for Entry of a Final Order Authorizing the Trustee (i) to Obtain Post-Petition Unsecured Financing from BKRE Investments LLC as an Administrative Expense Pursuant to §§ 105 and 364(b) of the Bankruptcy Code and Federal Rule of Bankruptcy Procedure 4001; (ii) to Enter into the Promissory Note; and (III) Granting Related Relief (the "Second Financing/Approval Motion"). [D.I. 422].

9. On March 19, 2020, this Honorable Court granted the Second Financing/Approval Motion [D.I. 465].

10. As set forth in this Court's September 12, 2018 Order, pursuant to Bankruptcy Code Section 364(c)(1) the, Post-Petition Lender's Loan was ordered to be secured by an allowed administrative expense claim with priority over any and all administrative expenses of the kind specified in Bankruptcy Code Sections 503(b) or 507(b).

11. This Court's March 19, 2020 Order afforded Post-Petition Lender's Second Loan administrative priority, pursuant to Bankruptcy Code Section 503(b)(1).

12. Pursuant to the terms and conditions of the respective loan agreements entered into by and between Trustee and Post-Petition Lender and the Orders of this Court, as outlined above, Post-Petition Lender hereby objects to Stadley's fees being paid from or out of any cash proceeds in Trustee's possession which arise from the sale of Post-Petition Lender's collateral.

13. Post-Petition Lender further includes Trustee's objections to the Stradley Application by reference, as if fully restated herein.

WHEREFORE, the Trustee respectfully requests that this Honorable Court enter an Order (i) granting the relief requested herein and (ii) granting such other and further relief it deems just and proper.

Dated: August 31, 2021

Respectfully submitted,

PETERSON CONNERS LLP

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